

OFFICIAL COPY

Fresno, California

March 31, 2011

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember
	Andreas Borgeas	Councilmember
	Clinton Olivier	Acting Council President
	Sal Quintero	Councilmember
	Blong Xiong	Councilmember
	Lee Brand	Council President
Absent:	Larry Westerlund	Councilmember (out of town at RDA Conference)

Mark Scott, City Manager
Bruce Rudd, Assistant City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Shane Scott of Saints Rest Missionary Baptist Church gave the invocation and President Brand led the Pledge of Allegiance.

PRESENTATION OF PRIME TIME FOR BUSINESS: 'FRESNO COIN GALLERY'
#1 PROCLAMATION OF "FRESNO COIN GALLERY DAY" – MAYOR'S OFFICE

Presentation made/proclamation read and presented.

APPROVE MINUTES OF MARCH 17, 2011

On motion of Councilmember Baines, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of March 17, 2011, approved a submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Quintero (1) acknowledged the holiday today for civil rights leader Cesar Chavez; and (2) thanked city employees Craig Hansen, Pete Caldwell, Kim Jackson, Shaun Schaefer and Kyle Jeffcoach for their work and professionalism in dealing with some district issues. Later in the meeting towards the end of the 9:15 a.m.#2 item Councilmember Quintero also thanked Ryan Garcia for his help at Mosqueda.

Councilmember Xiong (1) thanked Capt. Reed and his staff for their work this past week in handling a sensitive neighborhood situation; (2) thanked staff for their work with the Kochi Sister City Committee on the Japan disaster; (3) spoke to the Best of the Valley event at the Radisson Hotel and congratulated the California Restaurant Association; (4) thanked the police department for holding a community forum in the Tower District; (5) thanked staff for working with the owner on the opening of the 99 Cent Store; (6) spoke to the event honoring Lloyd Kennedy at the Convention Center and commended Mr. Kennedy for all his hard work for the community; (7) thanked PARCS staff for assisting with his neighborhood meeting at Quigley Park; (8) congratulated Acting President Olivier on the opening of Manchester Center office; and (9) extended his appreciation to the Chamber of Commerce for recognizing the city's efforts in supporting the business community.

Acting President Olivier spoke to the grand re-opening of the District 7 Manchester Mall office and advised activities/functions would continue to be held there along with office hours every other Wednesday from 9:00 a.m. to 10:30 a.m.

President Brand thanked Public Works/DPU Director Weimiller for patching a very gigantic and dangerous pothole along Alluvial Avenue near River Park.

APPROVE AGENDA:

(10:30 A.M.) CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-10-08 FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES **(Refer back to staff)**

Referred back to staff.

(11:00 A.M.) CONTINUED HEARING ON THE REVERSION OF ACREAGE OF THE FINAL MAP OF TRACT NO. 4983 **(Continue to April 28, 2011, at 10:15 a.m.)**

Continued as noted.

CLOSED SESSION:

(‘A’) CONFERENCE WITH LABOR NEGOTIATOR – **EMPLOYEE ORGANIZATIONS:**

- #1** IUOE, STATIONARY ENGINEERS, LOCAL 39 (L39)
- #2** FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
- #3** FRESNO POLICE OFFICERS ASSOCIATION (FPOA BASIC)
- #4** INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF BASIC)
- #5** AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
- #6** INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
- #7** FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT)
- #8** INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, (IAFF MANAGEMENT)
- #9** CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
- #10** CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)
- #11** FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)

Laid over one week.

On motion of Councilmember Xiong, seconded by Acting President Olivier, duly carried, RESOLVED, the **AGENDA** hereby approved, **as amended**, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Westerlund

ADOPT CONSENT CALENDAR:

Acting President Olivier pulled Items **1-J** and **1-K** from the Consent Calendar for separate discussion/action.

(1-A) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ENTER INTO AN AGREEMENT TO RECEIVE \$140,000 IN GRANT FUNDING FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT TECHNOLOGY ADVANCEMENT PROGRAM FOR THE HYBRID RETROFIT FOR TWO LNG-POWERED REFUSE TRUCKS

(1-B) AWARD AND APPROVE AN ADMINISTRATIVE AGREEMENT WITH WILLDAN FINANCIAL SERVICES TO PROVIDE REQUIRED SERVICES IN CONNECTION WITH CITY BONDS AND ASSESSMENT DISTRICTS

(1-C) APPROVE THE PARTIAL ACQUISITION OF A PUBLIC UTILITY EASEMENT FROM ONE PARCEL NECESSARY FOR THE PEACE AVENUE WIDENING PROJECT BETWEEN BELMONT AVENUE AND KINGS CANYON ROAD FROM PROPERTY OWNERS CENTRAL CALIFORNIA NIKKEI FOUNDATION AT 540 S. PEACH AVENUE FOR THE APPRAISED VALUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-D) APPROVE THE PARTIAL ACQUISITION OF A PUBLIC UTILITY EASEMENT FROM ONE PARCEL NECESSARY FOR THE PEACH AVENUE WIDENING PROJECT BETWEEN BELMONT AVENUE AND KINGS CANYON ROAD FROM PROPERTY OWNERS LILY L. CHUNG AND WALTER M. GEE & WAI YUI GEE AT 5171 E. KINGS CANYON ROAD, ACCEPT THE DONATION OF A UTILITY EASEMENT IN EXCHANGE FOR AN ADA RAMP, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-E) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITIES) FOR A MONTH-TO-MONTH LEASE ENDING NO LATER THAN JUNE 30, 2012, OF IMPROVED COMMERCIAL PROPERTY AT 1231 VAN NESS AVENUE, COMMONLY KNOWN AS A PORTION OF PARKING STRUCTURE NO. 9

#1 APPROVE A MONTH-TO-MONTH LEASE ENDING NO LATER THAN JUNE 30, 2012, OF IMPROVED COMMERCIAL PROPERTY AT 1231 VAN NESS, COMMONLY KNOWN AS A PORTION OF PARKING STRUCTURE NO. 9, TO KOCKY'S BAR & GRILL, AT A MONTHLY RENTAL RATE OF \$2,000 PAYABLE IN ADVANCE, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE LEASE AGREEMENT AS APPROVED

(1-F) APPROVE REQUEST FROM FLOYD JOHNSTON CONSTRUCTION CO. TO SUBSTITUTE ENVIRO TECH COATING, INC., AND UTILIZE PIPENOLOGY INC., TO PERFORM THE NEOPOXY 5300 COATING PORTION OF THE WORK ON THE MANHOLE REHABILITATION ON THE GRANTLAND TRUNK SEWER PROJECT

(1-G) APPROVE REQUEST FROM INSITUFORM TECHNOLOGIES, INC., TO SUBSTITUTE ARMORED COATING, INC., AND UTILIZE NATIONAL COATINGS, INC. TO PERFORM THE SEWER MANHOLE REHABILITATION PORTION OF THE WORK ON THE SEWER REHABILITATION IN FRUIT, GETTYSBURG, VAGEDES, SANTA ANA, MARKS, WISHON AVENUES, AND FRESNO AND FIRST STREETS

(1-H) AUTHORIZE THE DARM DIRECTOR TO NEGOTIATE AND ENTER INTO A CONSULTING SERVICES CONTRACT WITH CONSOL OF STOCKTON, CA, IN AN AMOUNT NOT TO EXCEED \$113,000 FOR BUILDING PERFORMANCE INSTITUTE TRAINING PROVIDER SERVICES FOR THE FRESNO REGIONAL COMPREHENSIVE RESIDENTIAL RETROFIT PROGRAM

(1-I) APPROVE THE REAPPOINTMENT OF MEE CHA TO THE FRESNO REGIONAL WORKFORCE INVESTMENT CORPORATION – MAYOR'S OFFICE

(1-L) APPROVE AGREEMENT WITH THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) FOR ACCEPTANCE OF A \$5,000 AWARD TO SUPPORT THE OPERATION OF THE POLICE DEPARTMENT'S MEDICAL RESERVE CORPS VOLUNTEER PROGRAM

(1-M) AUTHORIZE AND APPROVE A MONTH-TO-MONTH EXTENSION OF THE 2007-2009 NON-EXCLUSIVE TOW FRANCHISE AGREEMENT BETWEEN THE POLICE DEPARTMENT AND CURRENT ROTATIONAL TOW OPERATORS

(1-N) APPROVE A 10-YEAR MASTER LEASE EFFECTIVE APRIL 1, 2011, WITH AN OPTION TO EXTEND FOR ANOTHER FIVE YEARS, WITH THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (EOC) FOR THE USE OF FIVE CITY SITES FOR THE HEAD START PRE-SCHOOL PROGRAM

On motion of Acting President Olivier, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Westerlund

CONTESTED CONSENT CALENDAR:

(1-J) AUTHORIZE ACCEPTANCE OF FY 2010 STATE HOMELAND SECURITY GRANT PROGRAM FUNDS IN THE AMOUNT OF \$528,056 SUBGRANTED FROM THE GOVERNOR'S OFFICE OF HOMELAND SECURITY AS A PART OF THE U.S. DEPARTMENT OF THE HOMELAND SECURITY'S STATE HOMELAND SECURITY GRANT PROGRAM

#1 RESOLUTION NO. 2011-49 - 76TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$448,100 FOR THE POLICE DEPARTMENT'S HOMELAND SECURITY GRANT PROGRAM (THE REMAINING \$80,000 WILL BE INCLUDED IN THE FY 2012 BUDGET)

~and~

(1-K) AUTHORIZE AN INCREASE OF SCHOOL RESOURCE OFFICERS' OVERTIME APPROPRIATIONS BY \$40,000 IN ORDER FOR THE POLICE DEPARTMENT TO CONTINUE PROVIDING SAFETY SERVICE FOR THE CENTRAL AND FRESNO UNIFIED SCHOOL DISTRICTS

#1 RESOLUTION NO. 2011-50 - 77TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$40,000 FOR THE POLICE DEPARTMENT SCHOOL RESOURCE OFFICERS PROGRAM

Upon questions of Acting President Olivier Police Lieutenant Motoyasu, for Item 1-J, explained the process for the \$80,000 and how it would be used, and stated there was no general fund commitment or match, and for Item 1-K stated the \$40,000 was coming from the Fresno and Central Unified School Districts.

On motion of Acting President Olivier, seconded by Councilmember Baines, duly carried, RESOLVED, \$528,056 in FY 2010 Homeland Security Grant Program funds hereby accepted, and the above entitled Resolution No. 2011-49 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Westerlund

On motion of Acting President Olivier, seconded by Councilmember Baines, duly carried, RESOLVED, a \$40,000 increase of school resource officers' overtime appropriations hereby authorized, and the above entitled Resolution No. 2011-50 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Westerlund

(8:30 A.M. SPECIAL MEETING ADDITION) REPORT ON APPOINTMENT STATUS OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) GOVERNING BOARD – ACTING PRESIDENT OLIVIER

#1 CONSIDERATION OF ACTION REGARDING ATTENDANCE AT REGULAR SJVAPCD MEETINGS

Acting President Olivier, the council member on the SJVAPCD City Selection Committee, introduced the item and stated he believed the city of Fresno needed to have a voice on the very important board, advised the appointment was for three years beginning in 2012, stated currently the SJVAPCD meets on Thursday as Council does, and stated if this seat is not taken by the city it will go to Stockton, Visalia or Bakersfield, and introduced Sayed Sadredin, the Executive Director/APCO of the SJVAPCD, to speak further to the issue. Mr. Sadredin stated air quality was a top concern of Fresno residents and the valley at large; spoke to air board representation/the addition of city representation to the board/board makeup/and the board having their meetings on the third Thursday of every month; relative to the Council and board Thursday meeting conflict stated he hoped resolution could be found so the city is able to serve on the board; stated it would be a missed opportunity if an appointment is made and the council member is unable to attend the meetings adding it would be worse if the city forgoes having a seat on the board as members of the public would see that as a disservice to them; and explained the selection process and clarified if the city forgoes an appointment to the air board the city's turn will not come up again for another nine to ten years. Upon questions of President Brand Mr. Sadredin stated board meetings are video-conferenced and members can attend meetings in Modesto, Bakersfield or Fresno, the meetings generally run from 9:00 a.m. to approximately 2:00 p.m., and the board meets once a month on the third Thursday.

Speaking to the need for city representation on the board, in opposition to forgoing the appointment, and/or making suggestions on the meeting day conflict were: Elizabeth Jonasson with the Coalition for Clean Air, 1140 N. Van Ness; Mike Wells, Fresno Metro Ministry Environmental Health Program, 535 N. Fulton; and Michelle Garcia, Fresno-Madera Medical Society, 1382 E. Alluvial.

Acting President Olivier stated he did some research and advised someone could not be deputized to attend meetings nor could a strong mayor attend so he it had to be a council member, stated one option, among others, would be to ask the SJVAPCD to change their meeting day, and stated he brought this matter forth because there were over a million people needing representation and time was of the essence and asked Council for their input/suggestions.

Acting President Olivier, Mr. Sadredin and City Attorney Sanchez responded to questions of Councilmember Xiong and/or clarified issues relative to the Council appointee and inability of that member to have an alternate per state law, what the SJVAPCD's position/suggestion was in terms of the meeting day conflict, the challenges associated with the SJVAPCD changing their meeting day, if other options were discussed besides the City Council moving one of their meetings, consequence of the city foregoing the appointment for 9-10 years, **(2 – 0)** why time was of the essence, the election process timeline, and state legislation and the city not having a lot of room in terms of local discretion. Mr. Sadredin stated there was a lengthy, emotional and sometimes ugly exchange when the board make up was changed to get city representation and he felt another change request would not go well with the board. Councilmember Xiong spoke briefly to Council's past discussion on the city of Fresno having some level of permanency on the board, stated he did not know what the solution was at this time but an in-depth discussion and some options were definitely needed on this important issue, and stated he felt it was the city's responsibility to be the region's voice and further elaborated, including why Council changed their meeting day from Tuesday to Thursday. Upon question of Councilmember Baines Mr. Sadredin confirmed Fresno was the largest city within the San Joaquin valley air district based on the latest census. Councilmember Baines suggested, since Council usually takes one Thursday off every month anyway, that Council take the third Thursday off for the time the city serves on the board to accommodate the SJVAPCD meeting. Councilmember Borgeas stated that suggestion was worth exploring, along with the options of (1) starting the Council meetings at 2:00 p.m. on the relevant Thursday and (2) asking the air board to consider changing their meeting day to Fridays; also suggested Acting President Olivier and President Brand work together to devise some options; agreed the city needed to be a part of the board due to the different interests needing representation; and added night meetings were also an option. Mr. Sadredin expressed support for starting Council meetings later in the day adding important air district topics could be scheduled early on the board's agenda to accommodate the council member. Councilmember Borgeas also spoke briefly to Council's change to Thursday meetings and how that has worked out very well. Councilmember Quintero stated it was important for Council to accommodate the district as there was more involved than just changing the day (with Mr. Sadredin agreeing and explaining), and stated he felt it worked well when Council met on Tuesdays and explained. Acting President Olivier made a motion to (1) request the SJVAPCD to explore changing their meeting day from Thursday to another day and (2) for President Brand and himself to explore and return with options in the event the SJVAPCD cannot change their meeting day, which motion was seconded by Councilmember Borgeas. Councilmember Baines offered to join the council committee to work on a solution. President Brand stated the Council change from Tuesday to Thursday has worked out and there were reasons for that change; stated another option was rescheduling half of the council meetings to accommodate the board in the event they cannot change their meeting day; spoke in support of starting the relevant Council meeting later in the day and having light agendas on those days; and stated it was imperative for Fresno, as the largest city in central California, have a role and represent the San Joaquin Valley and he was confident a solution would be found.

On motion of Acting President Olivier, seconded by Councilmember Borgeas, duly carried, RESOLVED, (1) the SJVAPCD requested to explore changing their meeting day from Thursday to another day, and (2) Acting President Olivier and President Brand (and Councilmember Baines) to explore and return with options in the event the SJVAPCD cannot change their meeting day, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Westerlund

(9:15 A.M. #1) ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ACQUISITION OF FOUR (4) PARCELS COMPRISING 35.137 ACRES NEAR THE NORTHEAST CORNER OF BRAWLEY AND NEILSEN AVENUES FOR DEVELOPMENT OF A GROUNDWATER RECHARGE FACILITY

-and-

#1 RESOLUTION NO. 2011-51 - 65TH AMENDMENT TO AAR 2010-138 APPROPRIATING \$1,804,900 FOR ACQUISITION OF THE FOUR PARCELS NEAR BRAWLEY AND NEILSEN AVENUES

#2 AUTHORIZE THE DIRECTOR OF PUBLIC WORKS OR DESIGNEE TO SIGN ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY, SUBJECT TO CITY ATTORNEY APPROVAL TO FORM

Lon Martin with Provost and Pritchard Engineering reviewed the issue, all as contained in the staff report as submitted. Councilmember Borgeas left the meeting at 9:50 a.m.

On motion of Councilmember Baines, seconded by President Brand, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for acquisition of four parcels near Brawley and Neilsen Avenues for a groundwater recharge facility hereby adopted; the above entitled Resolution No. 2011-51 hereby adopted; and the Director of Public Works or designee authorized to sign all necessary documents on behalf of the City, by the following vote:

Ayes	:	Baines, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Borgeas, Westerlund

(9:15 A.M. #2) RESOLUTION - ESTABLISHING THE “RESERVE MANAGEMENT ACT” INSTITUTING FORMAL RESERVE POLICIES – PRESIDENT BRAND

President Brand introduced the item, stated the Reserve Management Act was supported by Mayor Swarengin, City Manager Scott and the Chamber of Commerce and thanked involved staff for their assistance, and gave an in-depth PowerPoint presentation, all as contained in the written handout and his report to Council as submitted, which consisted of Reasons for Reserve Policies, GASB 54, Fiscal Impact if Reserve Policies Were Enacted in 1999, Illustration of Reserve Policies Implemented in 1999, Prioritization Hierarchy of Reserve Funds, Deficit Financing/Fund Balance Policy, Establishment of General Fund Reserve Accounts, Federal Fund Reserve Policy for Economic Uncertainties, General Fund Policy for Contingency Stabilization Reserve, Utility Enterprise Reserve Policy, D.A.R.M. Fund Balance Policy **(3 – 0)**, Risk Management Fund Balance Policy, Facilities Capital Expenditure Policy, Technology Fund Balance Reserve, ADA Improvement Reserve Policy, Pension Stabilization Reserve, 27th Payroll Fund Balance Reserve, Annual Fund Balances Report, and Five Year Rate Review. Councilmember Borgeas returned to the meeting during the presentation.

Public testimony was opened and an unidentified audience member spoke in support of establishing the Reserve Management Act and thanked President Brand for bringing this forth.

City Manager Scott responded to questions and comments of Councilmember Xiong relative to last year’s budget discussion on the negative deficit/how it was achieved and if this act addressed that issue, reserves for facilities and technology and if this would codify what was being done, if the reserve structure would apply across the board, his budget concern last year being about the interpretation of the reserve, commendation to President Brand for his work on this matter, and this being an extensive/complex issue and desire/request to have more time to review and ask follow-up questions before voting on this resolution. President Brand stated one of his goals was to clarify and simplify the city’s reserve policies, the policy could be amended later if minor changes/edits are needed, this had an automatic one-year review and would realistically take a couple of years to start implementing, and this document was well vetted with city staff and he was very comfortable with the final product.

Councilmember Borgeas commended President Brand stating this was long needed, it was anticipated the Charter Review would take on the issue of increasing the reserve from 5% to 10%, and this was a good initiative and explained adding he was glad to hear the administration was supportive, and presented questions and comments relative to the consecutive periods of growth/how this policy provides protection from cutting jobs to fund a reserve policy, criteria for restoring funding to core services, if general fund money could not be used to fund enterprise reserves, if this covered loans/grants, policy to pay back a general fund payment into an enterprise fund, support for bringing the planning department into the general fund, the pension reserve/spending the investment on other general fund purposes, the spirited debate held last year on paper reserve, this act being helpful in taking a measured assessment of how much contributions should be for rainy days, and support for this policy as presented, with President Brand, Mr. Scott and ACM Rudd responding throughout.

Councilmember Baines stated after reviewing this he felt very fortunate to serve with his colleagues as everyone brought something unique to the table and commended President Brand on an outstanding job, and presented comments and questions relative to concern with laying off employees simply to invest in the reserve fund, the intent of this act and concern with how future council's will interpret this 8-10 years down the road when current members are gone, and if a councilmember or city manager could recommend laying off a certain number of employees to keep the "priority 1 fund" whole under this policy, with President Brand and City Manager Scott responding throughout. Councilmember Baines stated his concern was not so much about what was done in the past but more about the future and how some of this will play out when this council is gone, stated he wanted to be sensitive to Councilmember Xiong's request for more time adding there was a lot to undertake here and members had not spent six months and hundreds of hours on this as President Brand had done, **(4 – 0)** and stated "core service" almost seemed to be a moving target with a revolving definition and that absolutely needed to be defined as the city was approaching a dangerous level in terms of being able to give the public a service for which they pay tax dollars for. President Brand stated there will never be a completely objective 100% definition of "core service" and explained, and stated he asked himself the same questions that were now being asked, amendments could be made later, this policy was for posterity and was a start for the path to fiscal responsibility, and he and staff tried to cover every single item that could be thought of. Councilmember Baines stated although he had more questions he was inclined to support this but he would also be sensitive to Councilmember Xiong's request for additional time. President Brand acknowledged this was a huge amount of information to digest and added he was sensitive to the request for additional time and withdrew his motion and made a new motion to lay the matter over one week, which was seconded by Councilmember Borgeas.

Acting President Olivier commended President Brand for this policy and the other good pieces of legislation he has brought forth, and stated he would support this as it was needed and he would take advantage of the additional time and meet with staff. Councilmember Quintero stated even though this policy included some great ideas he had some concerns with the proposal and the direct and indirect implications of adopting this policy, and spoke to his concerns which included restricting the flexibility of general fund expenditures by requiring two separate reserve accounts, limited utilization of resources in challenging times, reducing council's ability/flexibility to respond to constituent needs, difficulty of predicting how resources should be budgeted in the future, need for clarification on "adequate levels of core services", increasing the reserve fund amount from 5% to 10%, DARM going to a general fund structure, DARM's fund balance policy and if there was a conflict of interest with charging funds to sustain operations, need for clarification on the 27th payroll, definition of "core services", and the demanding needs of the older/southern parts of the city, with City Attorney Sanchez, President Brand and Mr. Scott responding to questions and/or concerns.

On motion of President Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, Item 9:15 a.m. #2 continued one week for further Council review, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Westerlund

(9:30 A.M.) PRESENTATION OF THE UTILITY ADVISORY COMMITTEE (UAC) FINAL REPORT AND RECOMMENDATIONS

Assistant Public Utilities Director Andersen introduced the item and thanked the UAC for all their time and work on the report. UAC Chair Laura Whitehouse acknowledged UAC members in attendance and along with Members Alex Plumb and Nick Webber gave a PowerPoint presentation on their report which included the Background, UAC Guiding Principles, Utility Rate Increases, 1996-2011 Rate Chart, Comparative Water Rates, Comparative Overall Utility Rates, Overall Policy Recommendations, Rate Recommendations, Wastewater/Sewer Rate Recommendations, Wastewater/Sewer Rate Issues, Residential Solid Waste Rate Recommendations, Commercial and Multi-Family Solid Waste Rate Recommendations, Water Rate Recommendations, Why Fresno Needs Water Rate Increases, and Conclusion, all as included in the written handout provided.

Speaking to the issue were: Loran Harding, 3411 W. Browning, who spoke to and expressed his support/opposition to various issues in the report; and Janice Koreger, 2046 W. Paul, who questioned if employee salary increases were part of the report/recommendation (with Mr. Andersen later stating there were no pay increases included in any of the utility rate increases).

Councilmember Xiong thanked the Committee for their hard work, for their tough decisions and recommendations, and for their crucial role and service, and thanked staff for their work with the committee. Ms. Whitehouse and Mr. Andersen responded briefly to questions of Councilmember Baines relative to what the alternative was if utility rates are not increased **(5 – 0)** and why there was a difference between commercial and multi-family solid waste rates. President Brand thanked the committee for their time, investment, and trying to do the right thing for the city of Fresno; stated this matter was here because past council's were reluctant to make tough decisions adding it has been ten years since rates were last increased; and spoke to enterprise stating he originally looked at it different from general fund, after his review he did not believe enterprise had been run in a professional, business-like manner, what really opened his eyes was his in-depth analysis of commercial solid waste, and he felt there were inefficiencies out there and that deserved an analysis, elaborating on each issue throughout, with Mr. Scott responding. Councilmember Xiong stated in listening to President Brand's comments he was trying to understand the direction he was going and whether comments were in line with was before Council this date and stated he did not necessarily disagree with what was said but he felt comments on inefficiencies should be made in another platform with appropriate staff present. President Brand again thanked the committee and staff for all their work and there was no further discussion.

LUNCH RECESS – 12:04 P.M. – 1:34 P.M. Councilmembers Borgeas and Quintero arrived later.

(10:00 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF THE NORTH SIDE OF E. MILDREDA AVENUE BETWEEN N. VAN NESS AND THE VAN NESS-COLLEGE ALLEY

#1 AFFIRM A FINDING OF A STATUTORY AND CATEGORICAL EXEMPTION (LOW-INCOME HOUSING AND INFILL HOUSING) OF THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES, E.A. NO. C-10-157/5982

#2 RESOLUTION NO. 2011-52 - ORDERING THE VACATION OF A PORTION OF THE NORTH SIDE OF E. MILDREDA BETWEEN N. VAN NESS AND THE VAN NESS-COLLEGE ALLEY

President Brand announced the time had arrived to consider the issue and opened the hearing.

City Engineer Mozier reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Upon call no one wished to be heard and President Brand closed the public hearing.

On motion of Councilmember Baines, seconded by Councilmember Xiong, duly carried, **RESOLVED**, the finding of a Statutory and Categorical Exemption hereby affirmed, and the above entitled Resolution No. 2011-52 hereby adopted, by the following vote:

Ayes	:	Baines, Olivier, Xiong, Brand
Noes	:	None
Absent	:	Borgeas, Quintero, Westerlund

(10:15 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXION NO. 37, TRACT NO. 5498

#1 RESOLUTION NO. 2011-53 - ANNEXING TERRITORY

#2 RESOLUTION NO. 2011-54 - CALLING A SPECIAL MAILED-BALLOT ELECTION

#3 RESOLUTION NO. 2011-55 - DECLARING ELECTION RESULTS

#4 BILL NO. B-12 - ORDINANCE NO. 2011-11 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2010-2011 AND FUTURE TAX YEARS

President Brand announced the time had arrived to consider the issue and opened the hearing.

City Engineer Mozier reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Upon call no one wished to be heard and President Brand closed the public hearing.

On motion of Acting President Olivier, seconded by Councilmember Baines, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2011-53, 2011-54 and 2011-55 hereby adopted, and the above entitled Bill No. B-12 adopted as Ordinance No. 2011-11, by the following vote:

Ayes : Baines, Olivier, Xiong, Brand
Noes : None
Absent : Borgeas, Quintero, Westerlund

(10:45 A.M.) CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-10-005 AND FINAL EIR NO. 10136 TO AMEND THE FRESNO YOSEMITE INTERNATIONAL ENVIRONS PLAN, PERTAINING TO APPROXIMATELY 7,150 ACRES OF URBANIZED LAND ON AND AROUND THE FYI AIRPORT DEFINED AS THE AIRPORT INFLUENCE AREA
#1 RESOLUTION NO 2011-56 - CERTIFYING FINAL EIR NO. 10136 FOR PLAN AMENDMENT NO. A-10-005
#2 RESOLUTION NO. 2011-57 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE HOOVER, McLANE AND ROOSEVELT COMMUNITY PLANS BY UPDATING THE NOISE CONTOURS AND SAFETY ZONES
#3 BILL NO. B-13 - ORDINANCE NO. 2011-12 - AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS PLAN TO INCORPORATE THE RECENT UPDATES TO THE FYI AIRPORT COMPATIBILITY LAND USE AND PLAN ADOPTED BY THE FRESNO COUNTY AIRPORT LAND USE COMMISSION, WHICH INCLUDES UPDATED NOISE CONTOURS AND SAFETY ZONES AND REVISED ORGANIZATION AND TERMINOLOGY CONSISTENT WITH STATE LAW

President Brand announced the time had arrived to consider the issue and opened the hearing.

Planner Pagaloutos gave a PowerPoint presentation which included Project Description, Noise Contours Boundary Map, Safety Zones, FYI Improvements Final EIR (Short-Term Projects 2009-2014 and Long-Term Projects 2015-2025), Potentially Significant Impacts, Statement of Overriding Considerations, Public Participation, and Recommendations. Councilmembers Quintero and Borgeas arrived at 1:43 p.m. and 1:45 p.m. during the presentation.

Upon call no one wished to be heard and President Brand closed the public hearing.

Upon questions of Councilmembers Baines and Quintero Ms. Pagoulatos stated there were no known archeological concerns specifically and that mitigation measure is included in case something is found, and the project area did not encompass any part of the SEGA.

On motion of Councilmember Quintero, seconded by Councilmember Baines, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2011-56 and 2011-57 hereby adopted, and the above entitled Bill No. B-13 adopted as Ordinance No. 2011-12, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Xiong, Brand
Noes : None
Absent : Westerlund

UNSCHEDULED ORAL COMMUNICATIONS:

Upon call, no one wished to be heard.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 1:49 p.m. having arrived and hearing no objection, President Brand declared the meeting adjourned.

Approved on the ____7th____ day of ____ April____, 2011.

_____/s/_____
Lee Brand, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk